



WITHIN OUR BORDERS

- Forest Conservation Board
- Right of Entry Arbitration

- Mine Inspectorate
- New Alberta Book
- Legislative Assembly Clerk

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No. 9

Compensation Assured For Use of Farmer's Land Over 300 Awards Made Since Board Established To Protect Farm Surface Rights

The main purpose of the Right of Entry Arbitration Board is to assure farmers full compensation for the use of their land and to grant operators permission to enter the land.

When oil was discovered at Leduc the Alberta Government realized legislation was required to encourage co-operation between the farmers and oil companies. Therefore the act establishing the board was passed at the 1947 session of the legislative assembly.

More than 300 rights of entry have been granted by the one-man board during its 2½ years of operation. To the end of 1949 the board had awarded \$158,580 compensation for first year operations, and \$52,125 for each subsequent year for private lands. For Crown lands during the same period \$5,192 was awarded for first year compensation and \$1,807 for each subsequent year. In addition the board awarded small amounts in coal and natural gas fields.

Must Have Permission

According to the act no operator can enter property to drill for minerals, to mine, or lay a pipeline used in connection with mining or drilling operations, or production of minerals until permission has been granted. Consent may be obtained from the owner of surface rights and the occupant of the land, or by an order of the Arbitration Board.

Work of the board has increased each year. During 1947 it received

84 applications for right of entry. The following year 114 applications were filed, and last year 236 applications were registered. There are now slightly more than 100 applications to be considered.

Most of the awards concerning private lands were in the Leduc-Woodbend area. Eighty-four of the 133 awards were in this field. The remaining distribution was Lloydminster, 10; Redwater, 20; other fields and wildcats 10. Since the discovery of oil at Leduc 67 awards were made concerning Crown lands. Three of these were in the Redwater area, two in the Lloydminster area and 62 in other fields and wildcats.

Wide Sweeping Powers

The board has wide sweeping powers. It may determine what portion of surface rights the oil company requires for the efficient and economical performance of the operations. The board may set the amount of compensation to be paid. It will decide also to whom payments are made. To fix the exact location of property involved in the application is another duty of the board. The board may determine such other conditions as are deemed necessary in connection with granting of the right of entry.

The factors to be considered by the board during investigations and hearings demand a comprehensive study of the farmer-operator problem. While attempting to set the amount of compensation the board will consider the value of the land, and the amount of land which may be permanently damaged by operations. The board deals with the adverse effect of the right of entry on the remaining land of the farmer. Other items which are considered during investigations are; compensation for severance; compensation for the nuisance, inconvenience and noise which may be caused by or arise from or in connection with the operations. The board may deal also with such other factors as it, from time to time, deems proper, relevant or applicable.

Procedure Outlined

An operator first negotiates with the farmer concerned. If the farmer accepts the operator's offer then the board is not advised of the transaction. If the farmer rejects the company's offer drillers cannot enter the property (See "Compensation Assured" on Page Four)

Mine Inspection District Added

A new coal mining inspectorate with headquarters at Stettler will be opened about March 1.

There are now seven district inspectorates in the province, namely: Edson, Edmonton, Drumheller, Calgary, Lethbridge, Blairmore and Stettler. One inspector is attached to each district with the exception of Blairmore where there are two. In addition an inspector of electrified mines works the province from Edmonton.

Better Service

The new inspectorate has been established to provide a better government inspection service for the mining industry. Until now inspections of mines in the Stettler area have been handled by the Drumheller staff. This district was too scattered to permit efficient inspections and services. Close to 60 mines are located in the new division stretching from Alix to

Three Hills. It is more convenient to handle these mines from Stettler where many of the operators conduct their business.

Addition of the new inspectorate has divided the Drumheller and Stettler sections in such a manner that they can be administered more efficiently. There are 200 mines in Alberta but they are not all operating at the same time. Large mines are inspected once a month and smaller mines two or three times yearly. Several strip mines are situated in the new inspectorate. These take less time to inspect than do underground mines therefore they ease the inspector's duties.

Technically Qualified

All inspectors are qualified technically and must be holders of at least a first class mine manager's certificate. Inspectors of electrified mines are an exception to the certificate regulation. In addition to the technical qualifications these officials must have had practical experience in the field.

The district inspectors conduct inspections of mines in the interest of safety and efficiency.

New Publication Source of Facts

A 400-page book "Alberta Facts and Figures" will be off the presses soon. The book was prepared by the Provincial Bureau of Statistics of the Department of Industries and Labour.

Increased interest in Alberta's natural resources and industrial development prompted the decision to publish the book. Material contained in the publication will provide invaluable information required by industrialists, producers, and distributors. This information will aid in determining the market possibilities of certain areas for goods and services at their disposal.

Covers Wide Field

"Alberta Facts and Figures" covers the wide fields of agriculture, minerals, forestry, fisheries, and manufacturing industries. The publication also contains informa-

tion relative to trade markets, imports and exports, and miscellaneous statistics. Also of great importance are the tax assessments of various municipalities. Charts and illustrations are featured.

The publication includes Alberta's climatic and physical features and a brief history of the province. Detailed information concerning Alberta's major industry, agriculture, is a highlight of the publication. Recommendations for the best types of various crops are outlined and production figures and other pertinent factors are listed.

Minerals Listed

Oil, coal, gypsum, bentonite, and salt are among Alberta's minerals described in the book. A history of the development of a mineral, its location and use, and its production value is among the items outlined.

Distribution of the publication will include industrial and financial firms, libraries, universities and other governments.

Forest Conservation Board Protects Watershed Resources

**Vast Area is of Tremendous Economic Importance to Alberta as a
Producer of Coal, Hydro-Electric Power and Timber**

Work of the Eastern Rockies Forest Conservation Board is under joint Dominion-Provincial legislation. The legislation provides a 25-year agreement between Alberta and the Federal government under which Provincial forest reserves and Saskatchewan River headwaters are directed by the board. Costs of administration and maintenance are shared by the two governments.

By HOWARD KENNEDY
(Chairman, Eastern Rockies Forest Conservation Board)

The Eastern slopes of the Rockies is a region which few Canadians, or others, recognize as an area of tremendous economic importance in the future development of the prairie provinces and therefore a vital element in the prosperity of Canada.

Tremendous are the possibilities of the eastern slopes as a producer of coal and hydro-electric power and as a potential source of timber, if disastrous fires can be controlled or eliminated. It has scenic possibilities as a tourist attraction and added to that is the fact that its streams are the natural habitat for several species of trout. Big game, such as elk, mountain sheep, moose and others inhabit the valleys and hillsides.

Each of these important factors is an argument for the protection, maintenance and development of the area and in the aggregate they are, I believe, sufficient to justify the effort and expense required to assure adequate control and protection.

These values are, however, only secondary to the commanding position which this area occupies in the general picture of the future of the prairie provinces. This is because the eastern slopes of the Rockies comprise the source of the Saskatchewan River and provide close to 100 percent of its summer flow.

Heavy Water Loss

Few people who live in eastern Canada or on the Pacific slopes give much thought to the fact that over most of the southern portion of our Canadian prairies the water loss from surface evaporation and transpiration of plants is potentially greater than the precipitation. Also that even if these areas were to get another two or three inches of rain on the prairies it would be evaporated rather than carried off by the streams.

F. C. Perry, district engineer of the Canadian National Railways at Saskatoon, in a recent paper delivered to the Engineering Institute of Canada, points out that there are several basins on the prairies aggregating 32,000 square miles with no outlet and therefore no run-off at all. He quotes figures indicating that the annual run-off from streams such as the Qu'Appelle and Souris Rivers, is of the order of only .02-in. over the watersheds involved. Even the maximum spring flow for these rivers amounts to only 0.25 cu. ft. per second per square mile of the drainage basin. As a comparison, the Rainy River watershed which drains an area of moderate precipitation provides 3.36 cu. ft. or more than 13 times as much.

Average annual precipitation over most of the prairies varies from around 11 inches in the driest areas to upwards of 16 inches in the areas of greater moisture in Alberta and Saskatchewan. This figure increases somewhat in the Valley of the Qu'Appelle River and in Manitoba generally, reaching more than 20 inches in eastern Manitoba. You readily will see from these figures that

after surface evaporation and transpiration of plants comparatively little, if any, water is left over to furnish run-off for the streams.

Saskatchewan River Valuable Source

This in turn emphasizes the fact that with the exception of the Milk River project, the southern portions of Alberta, Saskatchewan and Manitoba must look to the Saskatchewan River to furnish water for irrigation, hydro-electric installations and possibly inland navigation, which latter was feasible in the early days on that portion of the Saskatchewan River below Prince Albert. A practically all the flow of the Saskatchewan originates on the east slopes, you will appreciate the importance of this area to future prosperity and development of the prairies.

However, there is a fly in the ointment. The summer flow of the Saskatchewan is, in a great part, supplied from melting glaciers and many of these glaciers are disappearing at an alarming rate so that, in a few decades the flow from glacial sources will be seriously diminished. What can be done to offset this diminution and to maintain, or even increase, the summer flow of the Saskatchewan River is the main concern of our board which administers that portion of the eastern slopes outside the national park.

Legislative bodies have recognized the problem for a long time and negotiations leading toward a solution are by no means new. With the handing over of national resources to the provinces in 1929 the administration of the forest reserves on the eastern slopes passed to the Province of Alberta from the Dominion Government. Alberta suffers least of the prairie provinces from lack of water and it scarcely could be expected to spend provincial funds to protect and provide for the future flow of Saskatchewan River in other prairie provinces.

The inter-provincial nature of the stream was recognized early and for several years the Dominion government and the Alberta government discussed ways and means of meeting the situation. The Eastern Rockies Forest Conservation Board was the result of these negotiations.

25-Year Agreement

A twenty-five year agreement was consummated in 1947 placing the provincial forest reserves on the Saskatchewan headwaters under the administration of the board. The cost of maintenance and administration up to \$300,000 per annum is shared jointly throughout the life of the agreement. Of this sum Alberta's contribution is set at \$125,000 per annum plus any portion of the surface revenues which may exceed that amount up to \$300,000. The Dominion government pays the difference between the actual cost and \$125,000 or the surface revenues, whichever of these two latter items is greater.

The Dominion government has provided \$6,300,000 for capital expenditure



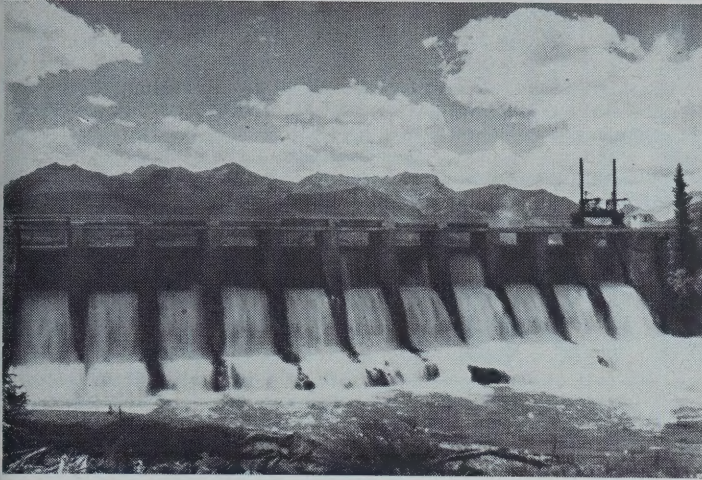
Tourist attractions preserved . . .



Typical scenes along the Eastern Rockies Slope . . .



The lumbering industry benefits . . .



Power Supplies are a major consideration of the board . . .

tures over the first six years of the contract. This includes expenditures on roads, buildings, equipment, forestry and research problems of a non-continuing nature. The Province of Alberta does not share in the cost of the capital outlays.

The board consists of three members: two including the chairman appointed by the Dominion government and one appointed by the Alberta government. J. M. Wardle, director of special projects in the Department of Mines and Resources and one of Canada's best known engineers, is the other Federal member and H. G. Jensen, former magistrate in Calgary and a member of the legal profession, is the Alberta member. The board meets monthly in Calgary and during the working months visits the various projects which are being carried out on the reserves.

The board's administrative offices are in Calgary and the staff is divided into three groups. The Secretary, J. D. Middlemass, formerly an engineer employed with Consolidated Smelters, is in charge of office administration, finance and public relations. The Chief Engineer, C. W. Walker, is in charge of all construction work, boundary surveys, reconnaissance surveys and preparing plans and specifications for all projects. The Chief Forester, E. S. Fellows, is charged with supervision of all phases of forestry, forest protection and research, grazing rights and forest management. The actual carrying out of fire protection, fire fighting where necessary and supervision of cutting operations is undertaken by the forest service of the Province of Alberta.

Surveys Conducted

Vegetation surveys, soil surveys and grazing surveys and a visibility mapping project now are being carried out and future policy will be based on the findings. Many meteorological stations for the metering of stream flow have been established. A vast lack of fundamental data exists and without much survey and research it is practically impossible to make the broad decisions on policy that are needed if the area is to be wisely developed and administered over a long period.

It was recognized early by the board that it would be unwise to undertake a comprehensive conservation program unless the forests be protected from fires and insects. This could not be achieved except by the development of a system of roads and trails which could make every part of the area accessible to fire fighters within minutes, or at the worst a few hours from the time a fire was discovered.

The board has embarked on a major program of road development which will make, we hope, all areas readily accessible. This road system is integrated with those of our neighbors—the municipalities on the east, the national parks and British Columbia on the south and west, and the provincial forest service to the north. Over 30 miles of second class roads (14-ft. top) were constructed last year and we expect to grade and place bridges and culverts on more than 80 miles of primary roads (20-ft. top) and another 30-40 miles of secondary roads this year. The map at the end of this article shows the location of the major features existing and projected up to the present time.

Roads Develop New Areas

Our road system will develop many timber areas that have been previously considered economically inaccessible and will tap, no doubt, many new mining areas as well as improving communication to existing mines. We also realize that our trunk road system likely will become a tourist road as it provides access to some of the finest scenery of the slopes.

In this latter connection, the board is conscious of criticism of its program by selfish interests who would rather maintain the area as a wilderness which only could be reached by a few who could afford the time and money. The board's policy, however, is premised on the fact that large sums are being spent by the people of Canada and the people of Alberta to protect and develop the area and therefore no effort will be made to prevent the public from enjoying their inheritance. On the other hand, the board intends to ensure that all those who contravene regulations regarding the protection of the forests or the game are prosecuted vigorously.

Integration of Agencies Necessary

The work of the board to date indicates the necessity of greater integration of the various agencies concerned with the development of the resources involved. There are irrigation projects totalling a couple of million acres on draughting boards at the present time.

Whether or not there is sufficient water to supply this extra area and still maintain a reasonable rate of flow in the lower river stretches should be discussed and final policy agreed upon. Whether diversion of run-off from the slopes should be diverted to providing winter flow for power developments or summer flow for further irrigation projects must sooner or later be faced. The question of priority in irrigation schemes should be decided upon. Unfortunately, jurisdiction in such matters is scattered between the various Provincial governments and the Dominion government. The setting up the Prairies Water Board last year is a step toward the solution.

Within its powers the policy of the Board is to provide the greatest summer flow for the Saskatchewan River. The question of augmenting summer flow is considered paramount to the growing of the most valuable type of forest from the standpoint of forest utilization. It may well prove that a combination of trees and grasses or shrubs will be more effective than dense forests in impounding in the soil water resulting from the melting of snows in the forests and above the tree line. It may well prove that we can reduce transpiration losses by creating less dense forests than now occupy much of the area.

Transpiration losses added to those occurring from evaporation of water which does not penetrate the tree cover are greater possibly, even probably, than the summer precipitation. This is the reverse of conditions existing in most of eastern Canada and the Pacific coast.

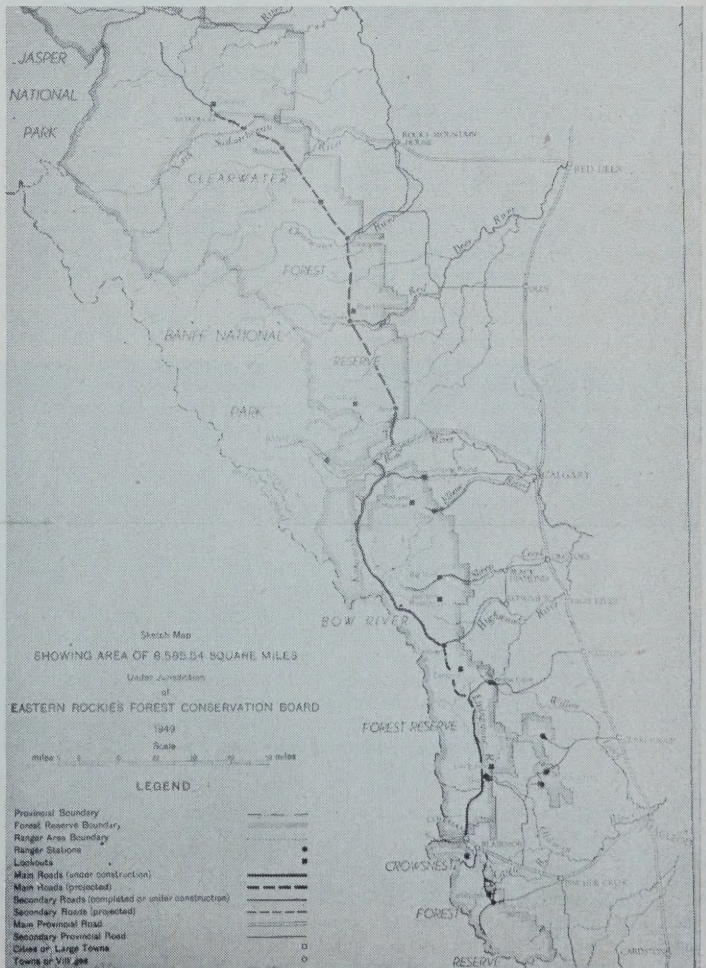
Fact-Finding Studies

Studies to establish these facts presently are under way. We have drawn largely upon the experiences of the U.S. forest service in developing the approach to our problems and they have been generous in giving assistance.

Whatever the outcome of our various surveys may be the Board cautions against the expectation of immediate or quick results. We promise no miracles but pledge the Board to an intelligent and impartial study of the factors involved and implementation of the course indicated by these studies. We believe it is possible to solve the problem of continued summer flow of the Saskatchewan River.

The agreement between the Dominion and the Province of Alberta marks an important milestone in the setting up of Dominion-Provincial agreements concerning administration of natural resources. It provides for the biggest conservation projects of its kind in Canada, if not in America or the whole world for that matter.

(Alberta Government Photographs)



Forty-fourth Session of Legislature Starts Feb. 23rd for 'Bob' Anderson



Robert A. Anderson

This is the first of a series of portrait articles on members of the Alberta Government Public Service. It is felt that to know members of the Service is to know something more of Government Services provided for the public. Mr. Anderson is one of many hundreds of civil servants who have made the Public Service their career.

R. A. "Bob" Anderson's modulated voice, quiet mannerisms and never-failing friendliness to everyone belies his double-barreled Public Service title of Clerk of the Legislative Assembly and Clerk of the Executive Council.

Mr. Anderson probably is the only government employee with two offices but it doesn't matter in which office you find him, you'll be met with a friendly nod, a courteous reply and the best advice within his power to give. One of the offices is that provided the Clerk of the Executive Council and it is here all Orders in Council are prepared, catalogued and filed. Administration of provincial elections and local option votes also is conducted from this office.

Compensation Assured (Continued from Page 1)

until the Arbitration Board has granted permission. When permission to enter land is refused the operator makes application to the Arbitration Board. At the same time he states his case. Immediately the company has filed application it advises the farmer of the action.

If the farmer does not contact the board within seven days the board issues an interim order giving the operator automatic right of entry. Following the issue of the interim order the board sets a date for a hearing between the operator and the farmer. Prior to the hearing the company must supply the board with a detailed layout of the farm area involved. After the hearing has been held the board conducts an inspection of the wellsite, then assesses the damage, evaluates the property, and makes the award.

Orders Are Law

Orders issued by the board granting right of entry must be obeyed. There have been some cases of the board's orders being disregarded. The sheriff or his bailiff, or an R.C.M.P. official was required to get the operator on the land. In such cases the act empowers the board to deduct from the farmer's award the cost incurred by the operator for the services of the law officials.

When a farmer has granted the right of entry himself then becomes dissatisfied with the company's compensation the board will not settle the dispute. It hears only cases to which it has granted right of entry.

Awards and orders of the board made in writing are final and they can not be appealed. The board may re-hear an application before deciding it and may review, rescind, change, alter or vary any decision or offer made by it.

May Terminate Right of Entry

The board also has the power to terminate the right of entry in certain cases. Dry holes are the most common example of this action. Six months from an award and order of the board the operators may apply for termination of the right of entry if they no longer are working the site. The owner or occupant of the land also may make the application. The board sets a date to hear the request to terminate the right of entry.

When hearing this type of application the board has the power to direct the oil company to restore the lands as close as possible to the same condition prior to the right of entry. To facilitate this the operator may be instructed to remove structures, fill excavations, and to do all other operations the board considers proper. A penalty may be imposed upon the operator for failure to perform the directions contained in the order. When the board is satisfied that the property has been properly restored it issues an order terminating the right of entry.

Cases Cited

Following are some examples of actual cases handled by the board. They illustrate some of the factors which have to be judged on private and Crown lands in the various fields.

In November of 1948 a Calmar district farmer with two wellsites and a production battery on a half section of land was awarded \$6,456 for the first year. For each subsequent year the company operating on the land must pay the farmer \$1,738.

In this case the oil company required an unusually large amount of land

But more often you'll find Mr. Anderson in his office at the top of the main stairway to the Legislative Assembly Chamber. It is here he handles all his affairs connected with the Legislature such as the preparation of the Orders of the Day, Votes and Proceedings, the listing of the bills and the eventual tabulation of the statutes approved by the Legislature. During actual sessions of the Assembly, he sits just below the Speaker's dais midway between government and opposition seats.

Forty-four Sessions

When the Legislature again meets Feb. 23rd, it will be the 44th session of the provincial house for this civil servant. Mr. Anderson joined the Public Service as assistant Legislative Assembly Clerk in 1914, being appointed clerk in 1923.

With a vast amount of much-wanted material at his finger tips, Mr. Anderson is a valued source of information. Who was the speaker of the house in 1917? How many members represented the government and the opposition in 1921? What year was the Prohibition Act passed? These are typical questions he answers daily. Just recently Mr. Anderson was asked who was the first woman member of the Alberta legislature. Without having to check records, he informed his inquirer that Mrs. Louise McKinney of Claresholm, the first woman member in the British Empire, was elected in 1917.

Mr. Anderson was awarded the Imperial Service Order Medal by His Majesty the King in 1946. This medal is conferred only on those who have devoted at least 25 years to public service and hold the position of deputy minister or its equivalent. The number of these awards in the British Empire is restricted to 750. Only 250 are awarded outside Great Britain.

Honored by Assembly

Just before prorogation of the 1947 session, members of the Legislative Assembly paid a standing tribute to their respected employee. The members took the unusual action of making a standing motion of tribute. Representatives of both the government and opposition paid verbal tribute to him on the occasion of the award.

Mr. Anderson was born in Cumberland, England, in 1889. He received his education in his native land. Emigrating to Canada in 1912, he settled at Cochrane where he worked in his brother's store before joining the Public Service in 1914.

for its operations and the farmer's carefully planned farming methods were seriously interfered with. The board considered the farm to be among the best in the district. It reported that the buildings were exceptionally good and it was obvious that every effort had been made to build up an attractive farm home. This farm was valued at \$100 per acre.

The detailed inspection revealed that total property permanently damaged for operation of the two wells and production battery was 20.82 acres. At \$100 per acre this amounted to \$2,082. Total property required for the company's operations on the farm was 26.82 acres.

Many Items Considered

The board granted 33 1/3 per cent for compulsory taking, 26.82 acres at \$100 per acre which was \$893. Land required for easement of flowlines at the two wells was 2.55 acres. At \$100 per acre this amounted to \$255. For general disturbance the farmer was awarded \$600. Annual rental for 24.26 acres at \$50 per acre was \$1,213. A total of \$525 was awarded for annual allowance for severance and inconvenience. Special damages were \$150 and crop damages were assessed at \$738. The special damages included: leading horses to pasture, cattle and horses tramping stooks, handling cattle in another quarter section, barley sprayed with oil, and damages to binder.

During July of last year a Redwater district farmer with four wellsites and a production battery on a quarter section of his land was awarded \$4,792 for the first year and \$1,586 for each subsequent year. Here less acreage was permanently damaged than in the previous case and the land was valued at \$65 per acre instead of \$100.

Farmers and Operators Settle Most Cases

In November of 1948 a Millet district farmer was awarded \$840 for the first year and \$380 for each subsequent year. He had one wellsite on his property and 1 1/2 acres were judged to be permanently damaged. His property was valued at \$60 per acre.

The Deputy Minister of Lands and Forests on behalf of the Crown was awarded \$50 for the first year at a hearing last December. For each subsequent year an award of \$25 was made. This venture proved to be a dry hole and the land was considered to be of little value.

This act does not apply to any pipeline of a pipeline company which is subject to the provisions of the Pipeline Act and its regulations. Owners of mineral rights are not affected by the act.

In all cases concerning Crown lands the right of entry must be obtained from the board. Relative to private lands the majority of cases are settled satisfactorily by the oil companies and the farmers concerned.



"Within Our Borders" is a publication designed to acquaint the people of the Province with the administration and services of the Alberta Government. It is believed the many and varied services of the Government will be effective in the degree they are known and used.

Any material used is for immediate republication.

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